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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/619,606	07/19/2000	MOTOHIKO SAKAMAKI	106794	1441

25944 7590 09/10/2003

OLIFF & BERRIDGE, PLC
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ALEXANDRIA, VA 22320

EXAMINER

DUONG, THOI V

ART UNIT	PAPER NUMBER
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2871

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/619,606

Applicant(s)

SAKAMAKI ET AL.

Examiner

Thoi V Duong

Art Unit

2871

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 ~~is~~ are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 ~~is~~ are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This office action is in response to the Request for Reconsideration after Final Rejection, Paper No. 11, filed August 20, 2003.

Currently, claims 1-19 are pending in this application.

2. Applicant's arguments with respect to claims 1-19 have been fully considered and are persuasive. The final rejection of the last office action has been withdrawn.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-3, 6, 7, 9, 10, 12, 13 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Albert (USPN 6,392,786 B1).

As shown in Figs. 1-3, Albert discloses a method for manufacturing an image displaying medium comprising:

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first, providing plural colorant particles 116 on at least one of a first flat substrate 102 and a side of a second substrate 108 on which a spacer (118 in Fig. 1, 218 in Fig. 2, and 318 in Fig. 3) is provided to maintain a distance to the first substrate upon superimposing on the first substrate (col. 6, lines 18-37 and col. 7, lines 27-34); and

second, fixing the first substrate and the spacer on the second substrate to arrange the colorant particles between the first substrate and the second substrate (col. 6, lines 37-41).

Albert also discloses that the spacers may have a variety of shapes (col. 4, lines 1-5 and col. 5, line 66 through col. 6, line 17) and formed from a flexible polymer such as polyethylene (col. 3, lines 50-67).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 6, 7, 9, 10, 12, 13, 15-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaprelian (USPN 2,940,847) in view of Albert (USPN 6,392,786 B1).

As shown in Figs. 11 and 12, Kaprelian discloses a method for manufacturing an image displaying medium comprising:

providing plural colorant particles 34 on a first flat substrate 62 at first and then a second flat substrate 64 spaced and parallel to the first substrate, wherein no liquid is provided between the first substrate and the second substrate (col. 4, lines 54-67).

Kaprelian further discloses that the intermediate image appearing on surface 66 of the substrate 64 is next removed and used for printing as shown in Figs. 13 and 14. The plural colorant particles are transferred to an intermediate transfer material 66, and then transferred from the intermediate transfer material to the first substrate 72 (similar to 62) through the second substrate 74 (similar to 64) to be provided thereon.

Kaprelian discloses a method for manufacturing an image displaying medium that is basically the same as that recited in claims 1-4, 6, 7, 9, 10, 12, 13, 15-17 and 19 except for a spacer member provided on one of the substrates to maintain a distance between the two substrates. As shown in Figs 1-3, Albert discloses an image displaying medium comprising a first substrate 102, a second substrate 108, plural colorant particles 116, and a spacer member 118 (218 or 318) provided on the second substrate 108 for fixing the two substrates (col. 6, lines 18-41). Albert also discloses that the spacers may have a variety of shapes (col. 4, lines 1-5 and col. 5, line 66 through col. 6, line 17) and formed from a flexible polymer such as polyethylene for providing the necessary stress relief (col. 3, lines 50-67). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method for manufacturing an image displaying medium of Kaprelian with the teaching of Albert by having the space member formed of a resin or an elastic material so as to maintain a

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distance between two substrates to provide a necessary stress relief when the pressure is applied to the medium.

7. Claims 5, 8, 11, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaprelian (USPN 2,940,847) in view of Albert (USPN 6,392,786 B1) as applied to claims 1-4, 6, 7, 9, 10, 12, 13, 15-17 and 19 above and further in view of DePalma et al. (USPN 5,558,977).

The method for manufacturing an image displaying medium of Kaprelian as modified in view of Albert above includes all that is recited in claims 5, 8, 11, 14 and 18 except for using a mask having a desired pattern for colorant particles. DePalma discloses that an imagewise pattern may also be formed with colorant particles in a solid imaging element by establishing a density differential between image and non-image areas. DePalma also discloses that, in an image process known as "laser toner fusion", after a toner layer formed of toner particles is made on a substrate, a non-imaged toner is removed (col. 9, lines 35-64). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the method for manufacturing an image displaying medium of Kaprelian with the teaching of DePalma et al. by employing a mask on one of the substrates so as to obtain a coloring agent particle layer with a desired pattern.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thoi V. Duong whose telephone number is (703) 308-3171. The examiner can normally be reached on Monday-Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim, can be reached at (703) 305-3492.

Thoi Duong

08/29/2003


ROBERT H. KIM
SUPERVISORY PATENT EXAMINER
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